

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 4:14-CV-105-O-BJ
	§	
JOSEPH ZADEH, D.O.,	§	
	§	
Respondent.	§	

**RESPONSE TO PETITION FOR ENFORCEMENT (TREATING PETITION AS MOTION
FOR SUMMARY JUDGMENT)**

JOSEPH ZADEH, D.O. (“Dr. Zadeh”) hereby files this Response to the “Petition to Enforce Drug Enforcement Administrative Subpoena” (“Petition”) filed on February 13, 2014. This motion is supported by the accompanying Brief and Appendix.

As set forth in the supporting Brief, there is a dispute as to how the Petition should be characterized under the Rules of Civil Procedure, *i.e.*, as a “complaint” or as a “motion.” Therefore, out of abundance of caution, Dr. Zadeh is responding to the Petition it two ways: (1) filing the instant “Response,” which treats the petition as a “motion”; and (2) separately filing a motion to dismiss, which treats the Petition as a “complaint.”

As further discussed in the Brief, if the Petition is construed as a motion, then it must be particularly construed as a motion for summary judgment, given the relief requested and the bases therefore. As such, the matters required by Local Rule 56.4 and 56.5, which govern summary judgments, are included in the Brief.

Respectfully submitted,

/s/ William D. Taylor

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CERTIFICATE OF SERVICE

On April 24, 2014, the foregoing document will be served on all counsel of record via the Court's ECF system.

/s/ William D. Taylor